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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/007,358 | 11/05/2001 | Jesus Santoyo Ortega | D/A0A47 XER 2 0422 | 3572 |

7590 06/28/2004

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| EXAMINER | |
|---|---|
| ZHOU, TING | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2173 | |

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/007,358 | ORTEGA ET AL. | |
| | Examiner | Art Unit | |
| | Ting Zhou | 2173 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-9 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 5 November 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 11/05/01.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al. U.S. Patent 5,408,603.

Referring to claims 1 and 6, Baker et al. teach a system and method comprising a plurality of action glyphs representing a plurality of defined actions which are able to be undertaken by the person following the instructions, a plurality of material glyph images representing a plurality of defined materials which are includable in the created instruction, and a plurality of instrumentation glyphs representing a plurality of instruments which are includable in the created instructions (the system and method comprises a plurality of symbols represented by a plurality of images which can be associated with a plurality of meanings; for example, there are action symbols such as the "move" and "file" symbols, material symbols such as the "eye", "globe" and "money" symbols, and instrumentation symbols such as the "keypad" and "file cabinet" symbols) (page 3, paragraph 0039, page 4, paragraph 0040, and further shown in Figure 2), wherein selected ones of the action glyphs, material glyphs and instrumentation glyphs are

arranged in relationship to each other in accordance with a predetermined structure to form a specific instruction understandable by the person following the instruction irrespective of the written language understood by the person (the symbols, which are images that can be recognized by any person, are arranged in symbol sequences to execute a command) (page 2, paragraph 0013).

Referring to claim 2, Baker et al. teach the glyphs are configured with color combination, which provide visual distinction between the glyphs (for example, using highlighting with dark and light colors for symbols to differentiate the symbols) (page 3, paragraph 0038 and page 4, paragraph 0043).

Referring to claim 3, Baker et al. teach when the instruction is viewed from left to right, the predetermined structure requires at least one of the action glyphs to be placed as the initial glyph, at least one of the material glyphs to be placed following the at least one action glyph, and at least one of the instrument glyphs to be placed following the at least one material glyph (for example, the user creates the command sequence using the symbols "new" and "all" and "file cabinet" to create a new database, with the instruction sequence comprising "new" representing an action symbol, "all" representing a material symbol and "file cabinet" representing an instrument symbol) (page 8, paragraph 0080).

Referring to claim 4, Baker et al. teach the predetermined structure creates a scenario (the sequences symbols create an executable command; for example, the symbol sequence "move" and "globe" and "thumbs up" represents the scenario of "move to top") (page 3, paragraph 0039).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. U.S. Patent 5,408,603, as applied to claim 1 above, and further in view of Ferriter U.S. Patent 5,212,635.

Referring to claim 5, Baker et al. teach all of the limitations as applied to claim 1 above. However, Baker et al. fail to explicitly teach the instructions being directed to a manufacturing process. Ferriter teaches a system for displaying symbols to represent instructions (displaying an image representation along with the textual descriptions associated with an instruction) (Ferriter: column 3, lines 51-62 and further shown in Figure 2) similar to that of Baker et al. In addition, Ferriter further teaches the instructions relating to a manufacturing process (Ferriter: column 2, lines 55-56 and column 3, lines 58-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Baker et al. and Ferriter before him at the time the invention was made, to modify the system for displaying symbol representations for instructions taught by Baker et al. to include the application to manufacturing processes of Ferriter. One would have been motivated to make such a combination in order to improve the documentation used by operators by crossing the language barrier and creating and displaying instructions that everyone can understand, regardless of the language and literacy of the operator.

3. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al. U.S. Patent 5,408,603 and Ballard U.S. Patent 6,321,243.

Referring to claim 7, Baker et al. teach a system comprising a plurality of action glyphs representing a plurality of defined actions which are able to be undertaken by the person following the instructions, a plurality of material glyph images representing a plurality of defined materials which are includable in the created instruction, and a plurality of instrumentation glyphs representing a plurality of instruments which are includable in the created instructions (the system and method comprises a plurality of symbols represented by a plurality of images which can be associated with a plurality of meanings; for example, there are action symbols such as the "move" and "file" symbols, material symbols such as the "eye", "globe" and "money" symbols, and instrumentation symbols such as the "keypad" and "file cabinet" symbols) (Baker et al.: page 3, paragraph 0039, page 4, paragraph 0040, and further shown in Figure 2), a glyph instruction generating system having an electronic storage element which stores electronic images of the action glyphs, the material glyphs and the instrumentation glyphs (storing the symbol sequences in memory) (Baker et al.: page 3, paragraphs 0033-0034 and page 6, paragraph 0058), an input device by which a user enters instructions in a language understood by the user (an integrated input and display device for inputting and outputting selected symbols) (Baker et al.: page 3, paragraph 0034, page 7, paragraph 0065) and an output device which outputs hardcopy images of the selected glyphs in relationship to each other in accordance with a predetermined structure to represent the inputted instructions (displaying the selected symbols, in sequence of selection, on the display area shown in Figure 4) (Baker et al.: page 5, paragraph

0054). However, Baker et al. fail to explicitly teach a translator configured to receive the inputted instructions and to interpret the inputted instructions so as to select the glyphs, which represent the inputted instructions. Ballard teaches a system for creating glyphs (Ballard: column 2, lines 35-41) similar to that of Baker et al. In addition, Ballard further teaches a glyph instruction generating system comprising an electronic storage element (Ballard: column 4, lines 51-53 and column 5, lines 6-9), input device by which users enter instructions in a language understood by the user (Ballard: column 5, lines 9-14), a translator configured to receive the inputted instructions and to interpret the inputted instructions so as to select the glyphs which represent the inputted instructions (convert the inputted text to glyphs) (Ballard: column 1, lines 26-33, column 3, lines 35-41 and column 7, lines 19-23), and an output device for displaying the selected glyphs (Ballard: column 5, lines 18-22). It would have been obvious to one of ordinary skill in the art, having the teachings of Baker et al. and Ballard before him at the time the invention was made, to modify the system for creating glyphs of Baker et al. to include the translator for converting input text to glyphs, taught by Ballard. One would have been motivated to make such a combination in order to cross the language barrier and create information that everyone can understand, regardless of nationality and literacy.

Referring to claim 8, Baker et al. fail to explicitly teach the input device presenting the user with a plurality of languages in which to enter instructions. Ballard teaches a system for creating glyphs (Ballard: column 2, lines 35-41) similar to that of Baker et al. In addition, Ballard further teaches a plurality of languages in which to enter instructions (a plurality of language systems such as English, German, French, etc. in which characters, or scripts can be entered to be used to convert to glyphs) (Ballard: column 5, lines 53-67 through column 6, lines

1-4). It would have been obvious to one of ordinary skill in the art, having the teachings of Baker et al. and Ballard before him at the time the invention was made, to modify the system for creating glyphs of Baker et al. to include the plurality of languages taught by Ballard. One would have been motivated to make such a combination in order to cross the language barrier and create information that everyone can understand, regardless of nationality and literacy.

Referring to claim 9, Baker et al. teach the user is guided through a process for generating instructions (user is guided in the selection of symbols by differentiating valid symbols that the user can choose from to create the instruction from the invalid symbols) (page 7, paragraphs 0065-0067).

4. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar methods for creating glyphs.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

10 June 2004

BA HUYNH
PRIMARY EXAMINER